

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY COMMAND,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:19 CV 75

MARCIA COMMAND,

Defendant.

REPORT AND RECOMMENDATION

On February 1, 2019, Defendant Marcia Command removed to this Court a divorce action presently pending in state court. Unlike state courts, which are courts of general jurisdiction, the federal courts are courts of limited jurisdiction and do not, therefore, possess jurisdiction over matters involving the issuance of a divorce, alimony, or child custody. *See, e.g., Ankenbrandt v. Richards*, 504 U.S. 689, 704 (1992). While this domestic-relations exception to federal jurisdiction is narrowly interpreted, it clearly applies where a party seeks to have a federal court issue a divorce. *See, e.g., Chevalier v. Estate of Barnhart*, 803 F.3d 789, 794-95 (6th Cir. 2015). While Defendant's removal notice is largely unintelligible, it is nevertheless clear that Defendant is seeking to have this Court interfere with an on-going state court divorce action. The Court, however, has no jurisdiction to hear this matter. Accordingly, pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that this action be **dismissed** for lack of subject matter jurisdiction.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Dated: February 11, 2019

/s/ Ellen S. Carmody
ELLEN S. CARMODY
U.S. Magistrate Judge